

**JUDGE'S COPY**

BRETT CULVER DD-3483  
301 MOREA ROAD  
FRACKVILLE, PA.17932

July 2, 2001

U.S. DISTRICT COURT  
JUDGE YVETTE KANE  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA. 17108

**FILED**  
HARRISBURG, PA.

JUL 03 2001

MARY E. DIANDREA, CLERK  
Per [Signature]  
Deputy Clerk

TO THE HONORABLE JUDGE YVETTE KANE.

On June 28, 2001 I submitted a "AMENDED COMPLAINT" to Civil Action No. 1:01-cv-00904. After mailing the AMENDED COMPLAINT parcel, I noticed there were two typographical errors in the AMENDED COMPLAINT documents, and also, I had mistakenly forgot to include the EXHIBIT Affidavits and TEMPORARY RESTRAINING ORDER for a added defendant in the AMENDED COMPLAINT.

I therefore corrected the typo errors and submitted a new set of five **CORRECT** copies of the AMENDED COMPLAINT dated 6-28-01 (label marked "Correct" on upper right corner). And I sent the TEMPORARY RESTRAINING ORDER with the EXHIBIT Affidavits, except for **Exhibit B** cited in the Amended Complaint (IV. STATEMENT OF CLAIM, entry 6.). That Exhibit Affidavit had to be signed and dated by the contributor. Please find the completed EXHIBIT B Affidavit included that belongs to the AMENDED COMPLAINT dated 6-28-01.

Dated this 1 day of July, 2001

Respectfully,

Brett T. Culver

# Exhibit B.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRETT T. CULVER

Plaintiff,

AFFIDAVIT

v.

Case No. 1:01-CV-00904

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS;  
T.E. Mikhich, Correctional Officer,  
Robert D. Shannon, Superintendent,  
Carol M. Dotter, Grievance Coordinator,  
Linda Chismar, Unit Manager,  
Kevin Kane, Hearing Examiner,  
John Doe, Property Office Personnel,  
All former or current employees at the  
State Correctional Institution at Mahanoy  
in their individual capacities,

Defendants,

I Emory C. Smith, Jr. (BH9137) hereby declare:

on or about the date April 13, 2000 as I was  
leaving the Institutional Library, Correctional Officer  
T.E. Mikhich, whom knows that I am a Certified  
Paralegal, Asked my opinion about a seizure incident  
in which he confiscated legal records / and legal documents  
from inmate leaving the library. He asked me if he could get into  
legal trouble over this. I Told him that he could possibly get  
into a civil action. At which he responded well I have to get in  
Culver first.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the

30 day of JUNE, 2001.

Signature, Emory C. Smith, Jr.